

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY,
FLORIDA

IN RE: ESTATE OF

ROBERT ALFRED SAFRANEK,

Deceased.

Case No. 502012CP000739XXXXSB
Probate Division "IX"

**TRUSTEES' RESPONSE TO
PETITIONS FOR FEES**

Susan Berns Porter and David Porter, as Co-Trustees of the SaFranek Family Trust Agreement, as amended, respond to the Petitions filed by Successor Personal Representative, Dean Rosenbach, Esq., for Personal Representative compensation and Personal Representative's attorney fees, as follows:

Background

1. Robert SaFranek (the "Decedent") died a resident of Palm Beach County on January 4, 2012. The Decedent's Last Will and Testament was admitted to Probate on February 16, 2012, at which time Marian Axelrod, the Decedent's 95-year old girlfriend, was appointed Personal Representative of his Estate.

2. The Decedent's Estate consisted solely of a few pieces of tangible personal property worth less than one thousand dollars. The balance of the Decedent's assets, totaling approximately \$1,900,000.00, had been transferred years earlier into the SaFranek Family Trust ("Family Trust") established by the Decedent and his predeceased wife. Respondents, Susan Berns Porter and David Porter, are the Co-Trustees of the Family Trust.

3. On March 13, 2012, Steven Berns filed a claim against the Estate seeking to enforce two Promissory Notes purportedly made by the Decedent on October 29, 1984 and May 1,

1991. Both the Personal Representative and the Co-Trustees objected to the claims, alleging in part, that the enforcement of the Notes, believed to have been executed in California, was barred by both California and Florida Statutes of Limitations.

4. On April 19, 2012, Berns filed suit (the "Berns Action") against Marian Axelrod and the Porters, in their fiduciary capacities, seeking to enforce the Notes and a 2001 Amendment purportedly executed by the Decedent. That Amendment, while purportedly extending the limitations period for the 1991 Note (but not the 1984 Note), extracted a usurious rate of interest under both California and Florida law.

5. Shortly after Berns filed suit, Mrs. Axelrod resigned as Personal Representative as her health had declined. As the Decedent's Will failed to nominate a Successor Personal Representative, the Porters filed a Petition seeking the Appointment of Judd Rowe, Esquire as a Successor Personal Representative to defend the litigation on behalf of the Estate. Mr. Berns opposed the appointment of Mr. Rowe and proposed the appointment of Seth Marmor, Esquire.

6. Judge Colin, the then presiding Probate Judge, declined to appoint either attorney nominated by the Porters or Mr. Berns – but instead appointed Dean Rosenbach, Esquire, an experienced civil litigator who had just returned to the practice of law after a 15-year leave of absence. Judge Colin specifically stated that he was appointing Mr. Rosenbach based on his knowledge of Mr. Rosenbach's skill and experience in the area of civil trial litigation.

7. Judge Colin's appointment of Mr. Rosenbach was affirmed by the 4th District Court on appeal filed by the Porters.

8. Although the Court expected Mr. Rosenbach to personally represent the Estate, Mr.

Rosenbach immediately hired a seven-attorney "team"¹ including his son, Marshall Rosenbach, an attorney with little or no probate or commercial litigation experience.

9. Mr. Rosenbach's very first act as Successor Personal Representative was to demand a \$300,000 retainer from the Family Trust. Judge Colin denied this request and specifically admonished Mr. Rosenbach that he expected Mr. Rosenbach himself to represent the Estate and not to retain counsel.

10. The Berns Action ultimately settled during a two-day mediation between the Porters and Mr. Berns on January 24, 2013. Mr. Rosenbach did not attend mediation because both Mr. Berns and the Porters believed his appearance would be counterproductive. In retaliation, Mr. Rosenbach attempted to schedule the depositions of Mr. Berns and the Porters during the two days scheduled for mediation, resulting in the filing of a Motion for Protective Order.

11. Between the time of his appointment and settlement, Mr. Rosenbach filed a total of seven papers in the Berns Action, consisting of the following:

1. Notice of Appearance;
2. Notice of Providing Email Address for Service;
3. Personal Representative, Dean Rosenbach's, Notice of Providing E-mail Address for Service;
4. Personal Representative, Dean Rosenbach's, Answer and Affirmative Defenses (which were substantially copied from the Porters' Answer);

¹ The team included not one but three lawyers from Katz & Doorakian, PL ("Katz"): Martin V. Katz, Esq., Daniel R. Doorakian, Esq., and Cory N. Marshall, Esq.; and another solo practitioner, Paul A. Klasker, Esq. Four of the six attorneys on the team – Mr. Rosenbach, Mr. Katz, Mr. Doorakian and Mr. Klasker – billed at rates in excess of the \$350/hour which the Court previously approved as reasonable.

5. Notice of Joinder;
6. Notice of Taking Deposition; and
7. Personal Representative, Dean Rosenbach's, Motion for Extension of Time to Depose, Plaintiff, Steven Berns.

Mr. Rosenbach attended a total of three hearings in which his participation was either as an "observer" or in support of positions previously filed by the Porters.

12. Mr. Rosenbach's initial Petitions, as supplemented by additional billings, sought a total of \$83,482.82 in Personal Representative compensation, attorneys' fees and costs for the three-month period commencing October 1, 2012 through December 31, 2012. This included \$41,010.87 for the Katz Firm and \$42,471.95 for Mr. Rosenbach's Personal Representative compensation. Mr. Rosenbach later amended his initial Petitions requesting compensation for additional time he allegedly incurred during the same three month period but had neglected to record or bill.

13. Mr. Rosenbach filed yet another set of Amended Petitions on July 18, 2013, which appears to supersede the prior Petitions and Amended Petition. The current total now claimed for Katz is \$44,694.52 (for 114.06 hours). The current total claimed for Mr. Rosenbach is \$61,312.50 (for 163.5 hours).

14. All told, Mr. Rosenbach and his "team" spent 277.56 hours, and his Petition seeks a total of \$106,007.02 for personal representative compensation, personal representative attorneys' fees and costs, for the period from October 1, 2012, through May 31, 2013. Of that time, the following categories are unreasonable regardless of the Court's ruling on the entitlement issues:

- 52.55 hours defending the appeal, in which the Estate had no legitimate interest, and which was already vigorously defended by Mr. Berns, the real party in interest who was opposing the Co-Trustees.
- 30.2 hours meeting, talking on the phone with, or e-mailing each other
- 28.9 hours reviewing the pleadings or file
- 29.1 hours (mostly over a single weekend) preparing for a hearing on the Co-Trustees' Motion to Dismiss the Berns Action, even though Mr. Rosenbach had previously agreed that the undersigned would argue the Motion²
- 7.1 hours trying to obtain discovery of the undersigned's billing records, to which he clearly had no entitlement
- 7.7 hours researching the most basic of personal representative duties, including
 - 3 hours researching Mr. Rosenbach's right to retain counsel (long after he had done so despite the Court's contrary admonishment) and
 - 1.1 hours researching the Co-Trustees' duty to pay estate expenses – a matter which was never in dispute
- 4.83 hours on file organization, a basic clerical task
- 4.3 hours demanding an excessive retainer of \$300,000 and additional payments
- 3 hours researching an issue concerning the Decedent's safe deposit box (without first obtaining any facts or documents from the Co-Trustees)
- 5.9 hours in connection with the mediation in which Mr. Rosenbach did not participate and which he affirmatively tried to impede
- 5 hours in connection with the Co-Trustees' Motion to Intervene in the Berns Action, a Motion to which Mr. Rosenbach should have simply agreed

² This was particularly outlandish since the briefing for the Motion had been prepared months earlier and Mr. Rosenbach had previously been discussing settlement figures with Berns' counsel without the Porters' consent. Either Mr. Rosenbach had no foundation for discussing settlement because he was ill prepared to do so, or he completely duplicated effort to get up to speed on the legal and factual issues the weekend before the Motion to Dismiss hearing that he was not even going to argue.

15. None of the time listed in the bullet points above should be compensated.

Entitlement

16. Compensation for a Personal Representative and his counsel are governed by §733.617 and §733.6175. Under both Statutes the Personal Representative has the burden of establishing that the services for which compensation is sought benefitted the Estate and its beneficiaries. *Davis v. Estate of Davis*, 77 So. 3d 703 (Fla. 3rd DCA 2011) (reversing fees awarded to personal representative's attorney where services did not benefit estate).

17. For the reasons set forth below, the services of Mr. Rosenbach and the attorneys he hired without authorization have not benefitted the Estate or its beneficiaries. To the contrary, the involvement of Mr. Rosenbach and his counsel were severely detrimental to the Co-Trustees, who are the sole beneficiaries of the Estate.³

Katz Firm

18. No fees or costs whatsoever should be awarded for the "services" provided by Katz because Mr. Rosenbach:

- a. Was not authorized by the Court to retain outside counsel;
 - b. Continued to employ Katz after being expressly admonished by the Court that he was expected to personally represent the Estate, without the use of outside counsel;
- and

³ Besides protecting his own personal interests in the appeal in opposition to the Co-Trustees to whom he owed his fiduciary duties, he also impeded efforts of the Co-Trustees and Mr. Berns, to set the case for mediation. When a settlement was reached by the Co-Trustees and Mr. Berns, Mr. Rosenbach sought to interfere with that agreement by demanding that his fees be paid before the settlement was consummated.

c. Should not have participated in the appeal of the Order appointing him, which accounts for the majority of the fees Mr. Rosenbach incurred to Katz. His actions in this regard were of no benefit to the Estate.⁴

If any fees at all are awarded for Katz' time, the maximum award should be \$11,288.17, for the additional reasons set forth below and in the Summaries attached as Composite Exhibit "A."⁵

Rosenbach Compensation

19. Mr. Rosenbach's Personal Representative compensation must be limited to compensation for services beneficial to the Estate in the Berns Action and these Estate proceedings.

20. Even assuming that Mr. Rosenbach somehow benefited the Estate, his maximum fees would be based on 33.38 hours at the hourly rate of \$350 previously approved by the Court for a maximum total of \$29,750.00.⁶

21. Mr. Rosenbach's participation in the appeal, on which he and his counsel spent more than 52 hours and seek more than \$20,000 in fees and costs, clearly did not benefit the Estate. The Estate itself had no interest in the outcome of the appeal; it merely was waiting for resolution of the issue of who was entitled to select the Successor Personal Representative. To protect his

⁴ The legal issues on appeal had nothing to do with Mr. Rosenbach's qualifications. It was a dispute exclusively between the Co-Trustees, the sole beneficiaries of the Estate, and Steven Berns, a potential creditor of the Estate. To justify fees for stepping into the middle of a dispute between other parties, a personal representative must show that the contest involves a benefit to the estate. *See, e.g., Estate of Wulf*, 526 N.W.2d 154, 156-157 (1994).

⁵ The Summaries attached hereto as Composite Exhibit "A" break down the invoiced charges into project categories and objections.

⁶ None of the billing records submitted by Rosenbach or Katz separate the three different matters on which they worked.

personal financial interests on appeal, Mr. Rosenbach directly opposed the interests of the Porters, to whom he owed his fiduciary duties. Mr. Rosenbach should not be compensated for opposing the interests of those to whom his fiduciary duty is owed. *Moreno v. Allen*, 692 So. 2d 957 (Fla. 3rd DCA 1997) (award "indefensible" where attorneys' efforts were "undertaken entirely in opposition to" the interests of the Estate).

22. Out of the 163.5 hours billed by Mr. Rosenbach and his son as of May 31, 2012, a very generous 33.38 arguably were spent addressing the Berns Action and issues in these Estate proceedings as to which the Estate **might** have obtained some benefit. At the Court approved rate of \$350 per hour, the maximum possible amount ostensibly incurred for the benefit of the Estate was \$29,750.00. About \$2,000 of the Katz time was related to the Berns Action. However, by e-mail dated December 15, 2012 (Exhibit "C" hereto), Mr. Rosenbach acknowledged that,

"on the commercial matter, I don't need [legal] help; on the estate matter and the appeal, I thought it was imperative."

Any work on the Berns Action by Katz was not necessary or needed by Mr. Rosenbach's own admission.

Hourly Rate

23. Even if all the hours for Mr. Rosenbach and all those of his attorneys were accepted, at the \$350/hour rate previously specified by Judge Colin, the claimed fees would be reduced from \$106,007.02 to \$96,588.92. *See* Summary attached as Exhibit "B."

Reasonableness

24. Even if otherwise awardable, the fees sought by both Mr. Rosenbach and Katz &

Doorakian are unreasonable. Their billing records, even after multiple revisions,⁷ are filled with non-compensable entries.

25. Attorneys' fees should not be awarded for advocating unsuccessful positions, duplicative work on the same file performed by multiple attorneys, extensive intra-office conferencing, excessive file review or secretarial/clerical tasks. *Baratta v. Valley Oak Homeowners' Ass'n*, 928 So. 2d 495 (Fla. 2nd DCA 2006); *North Dade Church of God, Inc. v. JM Statewide, Inc.*, 851 So. 2d 194 (Fla. 3rd DCA 2003); *Haines v. Sophia*, 711 So. 2d 209 (Fla. 4th DCA 1998) (affirming denial of fees for "multiple attorneys charging for the same court hearings, proceedings, and meetings, duplicative legal research, charges for excessive time spent for non-evidentiary hearings ..."); *see also Miller v. First American Bank & Trust*, 607 So. 2d 483 (Fla. 4th DCA 1992) (and cases cited therein).

26. For fiduciary or attorney time to be compensable, the billing records must provide sufficient detail to allow the Court to evaluate the propriety and reasonableness of each billed activity.⁸ *Brake v. Murphy*, 736 So. 2d 745 (Fla. 3rd DCA 1999); *Kearney v. Auto-Owners Ins. Co.*, 713 F. Supp. 2d 1369 (M.D. Fla. 2010).

27. The records in this case fail to meet that specificity requirement. Many of the time entries are improper "block billings," which lump together numerous activities without attributing

⁷ The time entries submitted with the successive Petitions changed substantially each time, and therefore cannot be contemporaneously prepared time entries at this point.

⁸ These block billing entries make it impossible to attribute exact numbers of hours to the additional deficiencies listed below. Counsel for the Co-Trustees, therefore, were forced to estimate these figures as set forth below in case the Court declines to simply disallow all of the block-billed time.

a specific amount of time to each. Indeed, Mr. Rosenbach's very first entry (on what is obviously a non-contemporaneous reconstruction of 78.5 hours of time) was for 10.9 hours spent, on unspecified dates throughout the month of October, reviewing pleadings and meeting with counsel for the parties.

Costs

28. The Katz & Doorakian records include \$1,014.85 in "costs" which are not recoverable under the Uniform Guidelines: \$379.85 for "online research"; \$223 for unspecified copies; and \$412 for "delivery service/messengers." None of these costs should be awarded. *Robbins v. McGrath*, 955 So.2d 633 (Fla. 1st DCA 2007) ("Postage, fax transmissions, delivery service, and computer research are office expenses or overhead that should not be taxed as costs."); *Wood v. Panton & Co. Realty, Inc.*, 950 So.2d 534 (Fla. 4th DCA 2007) ("computerized legal research costs ... are not recoverable as taxable costs").

29. The Rosenbach invoices include \$44.45 for unspecified copies and postage. These "costs" are likewise not allowable. *Lewis v. Thunderbird Manor, Inc.*, 60 So.3d 1182 (Fla. 2nd DCA 2011) ("Generally, copies, like postage, are part of the attorney's nonrecoverable office expenses.").

Sanctions

30. Mr. Rosenbach has not cited – because none exists – any basis for an award of sanctions against the Co-Trustees. The Porters have done nothing but avail themselves of established mechanisms for seeking appropriate review of Mr. Rosenbach's employment, services and compensation – which they have every right to do. On February 19, 2013, this Court even

denied Mr. Rosenbach's request to specially set a hearing on his fee petitions and ordered that the Court would consider the fee petitions after the appeal was resolved.

31. Certainly, mere delay in payment while awaiting both an appellate ruling and Probate Court review of the requested compensation cannot constitute grounds for an award of compensation. It is merely one factor for this Court to consider in determining Mr. Rosenbach's reasonable compensation. Fla. Stat. § 733.617(7)(h).

Conclusion

32. The Court should deny any compensation for Katz & Doorakian because Mr. Rosenbach hired them contrary to the Court's instructions and because their services did not benefit the Estate or its beneficiaries. Alternatively, the maximum award for their services should not exceed \$11,288.17.

33. Unless Mr. Rosenbach can demonstrate that he somehow benefited the Estate or the parties to whom he owed his fiduciary duties, the Co-Trustees, his compensation claims should be denied. Rather than serving the Co-Trustees, Mr. Rosenbach's actions materially harmed the Estate and Trust, all to protect Mr. Rosenbach's personal interests. If any compensation is awarded to Mr. Rosenbach, the award should be no more than \$29,750.00.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

Email this 14 day of October, 2013 to:

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Fees Costs
Appeal to Protect Position

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorakian Law Firm P.L.									
10/23/12	DRD	3	3	0	\$ 395	\$ 350	\$ 1,185	-	Unnecessary / no benefit to the Estate
10/23/12	MWK	0.8	0.8	0	450	350	360	-	Unnecessary / no benefit to the Estate
10/24/12	DRD	1	1	0	395	350	395	-	Unnecessary / no benefit to the Estate
10/25/12	DRD	2.95	2.95	0	395	350	1,165	-	Unnecessary / no benefit to the Estate
11/05/12	DRD	3	3	0	395	350	1,185	-	Unnecessary / no benefit to the Estate
11/07/12	DRD	4.15	4.15	0	395	350	1,639	-	Unnecessary / no benefit to the Estate
11/12/12	DRD	4.5	4.5	0	395	350	1,778	-	Unnecessary / no benefit to the Estate
11/13/12	DRD	5.5	5.5	0	395	350	2,173	-	Unnecessary / no benefit to the Estate
11/14/12	CNM	2.95	2.95	0	295	295	870	-	Unnecessary / no benefit to the Estate
11/14/12	DRD	3.75	3.75	0	395	350	1,481	-	Unnecessary / no benefit to the Estate
11/15/12	DRD	2.75	2.75	0	395	350	1,086	-	Unnecessary / no benefit to the Estate
11/16/12	DRD	1.6	1	0.6	395	350	632	210.00	Unnecessary / no benefit to the Estate
11/16/12	DRD	0.75	0.5	0.25	395	350	296	87.50	Unnecessary / no benefit to the Estate
12/03/12	DRD	5.1	5.1	0	395	350	2,015	-	Unnecessary / no benefit to the Estate
12/04/12	DRD	6	6	0	395	350	2,370	-	Unnecessary / no benefit to the Estate
12/05/12	DRD	0.55	0.55	0	395	350	217	-	Unnecessary / no benefit to the Estate
12/07/12	DRD	0.65	0.65	0	395	350	257	-	Unnecessary / no benefit to the Estate
11/06/12	DRD	1.65	1.5	0.15	395	350	652	52.50	Unnecessary / no benefit to the Estate
SUBTOTAL		50.65	49.65	1			\$ 19,755.75	\$ 350.00	
Dean Rosenbach, Attorney at Law									
10/24/12	DJR	0.2	0.2	0	375	350	75	-	Unnecessary / no benefit to the Estate
11/16/12	DJR	0.5	0.5	0	375	350	188	-	Unnecessary / no benefit to the Estate
12/27/12	DJR	0.1	0.1	0	375	350	38	-	Unnecessary / no benefit to the Estate
05/07/13	DJR	0.1	0.1	0	375	350	38	-	Unnecessary / no benefit to the Estate
05/23/13	DJR	0.2	0.2	0	375	350	75	-	Unnecessary / no benefit to the Estate
05/23/13	DJR	0.4	0.2	0.2	375	350	150	70.00	Unnecessary / no benefit to the Estate
11/15/12	DJR	0.4	0.4	0	375	350	150	-	Unnecessary / no benefit to the Estate
SUBTOTAL		1.9	1.7	0.2			\$ 712.50	\$ 70.00	
TOTAL		52.55	51.35	1.2			\$ 20,468.25	\$ 420.00	

Meetings or TC's between 2 or More Attorney's

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorkian Law Firm P.L.									
11/01/12	DRD	0.25	0.25	0	\$ 395	\$ 350	\$ 99	\$ -	Duplicative
11/06/12	DRD	0.5	0.5	0	395	350	197.50	-	Duplicative
10/04/12	MVK	1	1	0	450	350	450.00	-	Duplicative
10/04/12	DRD	0.5	0.5	0	395	350	197.50	-	Duplicative
10/08/12	MVK	0.8	0.8	0	450	350	360.00	-	Duplicative
10/22/12	DRD	1	1	0	395	350	395.00	-	Duplicative
10/22/12	MVK	1	1	0	450	350	450.00	-	Duplicative
10/23/12	MVK	1.5	1.5	0	450	350	675.00	-	Duplicative
10/25/12	MVK	1.4	0.2	1.2	450	350	630.00	420.00	Duplicative
10/26/12	MVK	0.8	0.8	0	450	350	360.00	-	Duplicative
10/26/12	DRD	3.25	3.25	0	395	350	1,283.75	-	Duplicative
11/26/12	MVK	0.6	0.6	0	450	350	270.00	-	Duplicative
11/26/12	DRD	2.5	0.6	1.9	395	350	987.50	665.00	Duplicative
12/03/12	MVK	0.6	0.6	0	450	350	270.00	-	Duplicative
12/04/12	MVK	0.3	0.3	0	450	350	135.00	-	Duplicative
12/05/12	MVK	0.5	0.5	0	450	350	225.00	-	Duplicative
		16.5	13.4	3.1			\$ 6,985.00	\$ 1,085.00	Duplicative
Dean Rosenbach, Attorney at Law									
10/01/12	DJR	1.2	1.2	0	\$ 375	\$ 350	450	\$ -	Duplicative
10/23/12	DJR	2.2	1.8	0.4	375	350	825.00	140.00	Duplicative
10/25/12	DJR	0.3	0.2	0.1	375	350	112.50	35.00	Duplicative
10/26/12	DJR	1.6	1.6	0	375	350	600.00	-	Duplicative
11/06/12	DJR	0.8	0.5	0.3	375	350	300.00	105.00	Duplicative
11/30/12	DJR	5.2	4	1.2	375	350	1,950.00	420.00	Duplicative
11/15/12	DJR	0.4	0.4	0	375	350	150.00	-	Duplicative
01/03/13	DJR	1	1	0	375	350	375.00	-	Duplicative
11/14/12	DJR	1	1	0	375	350	375.00	-	Duplicative
		13.7	11.7	2			\$ 5,137.50	\$ 700.00	
TOTAL		30.2	25.1	5.1			\$ 12,122.50	\$ 1,785.00	

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorkian Law Firm P.L.									
10/08/12	DRD	3	2.2	0.8	\$ 395	\$ 350	\$ 1,185	280.00	Excessive
10/22/12	DRD	3	3	0	395	350	1,185.00	-	Excessive
10/24/12	DRD	2.5	2.5	0	395	350	987.50	-	Excessive
10/25/12	DRD	0.5	0.5	0	395	350	197.50	-	Excessive
		9	8.2	0.8			\$ 3,555.00	\$ 280.00	
Dean Rosenbach, Attorney at Law									
10/01/12	DIR	9.7	6.9	2.8	\$ 375	\$ 350	\$ 3,638	980.00	Excessive
10/08/12	DIR	7	5	2	375	350	2,625.00	700.00	Excessive
10/19/12	DIR	0.1	0.1	0	375	350	37.50	-	Excessive
12/15/12	DIR	0.1	0.1	0	375	350	37.50	-	Excessive
01/16/13	DIR	3	3	0	375	350	1,125.00	-	Excessive
		19.9	15.1	4.8			\$ 7,462.50	\$ 1,680.00	
TOTAL		28.9	23.3	5.6			\$ 11,017.50	\$ 1,960.00	

NOT A CERTIFIED COPY

Attempted Discovery of Boyes Farina Time Records

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Dean Rosenbach, Attorney at Law									
01/03/13	DJR	2	1	1	\$ 375	\$ 350	\$ 750	350.00	Unnecessary / inappropriate
12/28/12	DJR	0.3	0.3	0	375	350	112.50	-	Unnecessary / inappropriate
12/29/12	DJR	0.5	0.5	0	375	350	187.50	-	Unnecessary / inappropriate
12/31/12	DJR	0.1	0.1	0	375	350	37.50	-	Unnecessary / inappropriate
01/02/13	DJR	1.3	1	0.3	375	350	487.50	105.00	Unnecessary / inappropriate
01/11/13	DJR	0.9	0.9	0	375	350	337.50	-	Unnecessary / inappropriate
02/08/13	DJR	0.5	0.5	0	375	350	187.50	-	Unnecessary / inappropriate
01/13/13 1	DJR	0.5	0.5	0	375	350	187.50	-	Unnecessary / inappropriate
01/10/13 2	DJR	1	1	0	375	350	375.00	-	Unnecessary / inappropriate
TOTAL		7.1	5.8	1.3			\$ 2,662.50	\$ 455.00	
Katz & Doorakian Law Firm P.L. - NONE									

Research re Basic Personal Representative Duties

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorakian Law Firm P.L.L.C.									
10/11/12	MVK	0.5	0.5	0	\$ 450	\$ 350	\$ 225	-	Should have been unnecessary
		0.5	0.5	0			\$ 225.00	\$ -	
Dean Rosenbach, Attorney at Law									
10/11/12	DIR	0.2	0.2	0	375	350	75.00	-	Should have been unnecessary
02/09/13	DIR	0.5	0.5	0	375	350	187.50	-	Should have been unnecessary
02/13/13	DIR	0.4	0.4	0	375	350	150.00	-	Should have been unnecessary
02/13/13	DIR	1	1	0	375	350	375.00	-	Should have been unnecessary
03/05/13	DIR	0.5	0.5	0	375	350	187.50	-	Should have been unnecessary
05/09/13	DIR	0.5	0.5	0	375	350	187.50	-	Should have been unnecessary
		3.10	3.10	0.00			\$ 1,162.50	\$ -	
TOTAL		3.60	3.60	0.00			\$ 1,387.50	\$ -	

Fees Costs
Trustees Duty to Pay

	DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON	
Katz & Doorakian Law Firm P.L.	10/09/12	MVK	0.3	0.3	0	\$ 450	\$ 350	\$ 135	-	Not in dispute	
	10/09/12	DRD	0.5	0.5	0	395	350	197.50	-	Not in dispute	
			0.8	0.8	0			\$ 332.50	\$ -		
Dean Rosenbach, Attorney at Law											
	10/09/12	DIR	0.3	0.2	0.1	375	350	\$ 113	35.00	Not in dispute	
			0.3	0.2	0.1			\$ 112.50	\$ 35.00		
	TOTAL		1.1	1	0.1			\$ 445.00	\$ 35.00		

Fees Costs
File Organization

	DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorakian Law Firm P.L.										
	10/22/12	DRD	1.83	1.83	0	\$ 395	\$ 350	\$ 723	-	Clerical
			1.83	1.83	0			\$ 722.85	\$ -	
Dean Rosenbach, Attorney at Law										
	01/13/13	DJR	3	3	0	\$ 375	\$ 350	\$ 1,125		Clerical
			3	3	0			\$ 1,125.00	\$ -	
	TOTAL		4.83	4.83				\$ 1,847.85	\$ -	

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Fees Costs
Fee Demands

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorakian Law Firm P.L.									
10/31/12	MVK	0.8	0.8	0	\$ 450	\$ 350	\$ 360	-	Unnecessary
11/01/12	DRD	1.5	1	0.5	395	350	592.50	175.00	Unnecessary
11/01/12	DRD	2	1.5	0.5	395	350	790.00	175.00	Unnecessary
TOTAL		4.3	3.3	1			\$ 1,742.50	\$ 350.00	
Dean Rosenbach, Attorney at Law - NONE									

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Research re Safety Deposit Box Rental

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorakian Law Firm P.L.									
10/25/12	DRD	3	3	0	\$ 395	\$ 350	\$ 1,185	-	Unnecessary
TOTAL		3	3	0			\$ 1,185.00	\$ -	
Dean Rosenbach, Attorney at Law - NONE									

HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	
1.0	0.6	\$ 375	\$ 350	600	\$ 210.00	Excessive
10.0	0.0	375	350	3,750.00	-	Excessive
11.0	0.0	375	350	4,125.00	-	Excessive
1.0	0.0	375	350	375.00	-	Excessive
1.2	0.5	375	350	637.50	175.00	Excessive
2.5	1.3	375	350	1,425.00	455.00	Excessive
26.7000	2.4000			\$ 10,912.50	\$ 840.00	

[illegible]

HOURS	OBJECTED	HOURS	PETITION	RATE	AMOUNT	AMOUNT	
3.5	3.5	0.0	\$ 375	\$ 350	\$ 1,313	\$ -	Unnecessar
1.5	1.5	0.0	375	350	562.50	-	Unnecessar
5.0000	5.0000	-			\$ 1,875.00	\$ -	
ONE							

[illegible]

Fees Costs

Research right to hire counsel / experts

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Dean Rosenbach, Attorney at Law									
11/23/12	DIR	3	3	-	\$ 375	\$ 350	\$ 1,125	\$ -	Should have been unnecessary
TOTAL		3	3	-			\$ 1,125.00	\$ -	
Katz & Doorakian Law Firm P.L. - NONE									

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Fees Costs Mediation

[illegible]

Fees Costs
No Objections

DATE	ATTY	HOURS	LESS HOURS OBJECTED	REVISED HOURS	RATE per PETITION	ADJUSTED RATE	ORIGINAL AMOUNT	ADJUSTED AMOUNT	REASON
Katz & Doorkian Law Firm P.L.									
10/09/12	CNM	2		2	\$ 295	\$ 295	\$ 590	\$ 590.00	
10/23/12	DRD	0.5		0.5	395	350	197.50	175.00	
10/24/12	DRD	1		1	395	350	395.00	350.00	
10/25/12	DRD	2.75		2.75	395	350	1,086.25	962.50	
10/26/12	CNM	1.75		1.75	295	295	516.25	516.25	
10/26/12	DRD	1.15		1.15	395	350	454.25	402.50	
11/01/12	MVK	0.6		0.6	450	350	270.00	210.00	
11/05/12	DRD	0.8		0.8	395	350	316.00	280.00	
11/08/12	MVK	0.4		0.4	450	350	180.00	140.00	
11/08/12	DRD	0		0	395	350	-	-	
11/12/12	DRD	2.25		2.25	395	350	888.75	787.50	
11/13/12	DRD	4.5		4.5	395	350	1,777.50	1,575.00	
11/14/12	DRD	0.25		0.25	395	350	98.75	87.50	
11/20/12	CNM	3.45		3.45	295	295	1,017.75	1,017.75	
11/20/12	DRD	1.33		1.33	395	350	526.67	466.67	
11/24/12	DRD	1.5		1.5	395	350	592.50	525.00	
11/27/12	DRD	2		2	395	350	790.00	700.00	
11/29/12	DRD	0.75		0.75	395	350	296.25	262.50	
12/11/12	MVK	0		0	450	350	-	-	
01/16/12	DRD	0.5		0.5	395	350	197.50	175.00	
		27.48	0.00	27.48			\$ 10,190.92	\$ 9,223.17	
Dean Rosenbach, Attorney at Law									
10/04/12	DIR	1.2		1.2	\$ 375	\$ 350	\$ 450	\$ 420.00	
10/05/12	DIR	0.1		0.1	375	350	37.50	35.00	
10/05/12	DIR	0.1		0.1	375	350	37.50	35.00	
10/07/12	DIR	0.1		0.1	375	350	37.50	35.00	
10/11/12	DIR	1.1		1.1	375	350	412.50	385.00	
10/15/12	DIR	2.5		2.5	375	350	937.50	875.00	
10/19/12	DIR	1.5		1.5	375	350	562.50	525.00	
10/22/12	DIR	3.2		3.2	375	350	1,200.00	1,120.00	
11/01/12	DIR	0.1		0.1	375	350	37.50	35.00	
11/02/12	DIR	0.3		0.3	375	350	112.50	105.00	
11/05/12	DIR	0.2		0.2	375	350	75.00	70.00	
11/08/12	DIR	0.5		0.5	375	350	187.50	175.00	
11/12/12	DIR	0.3		0.3	375	350	112.50	105.00	

Fees Costs
No Objections

11/13/12	DJR	1				1	375	350	375.00	350.00	
11/20/12	DJR	0.20				0.20	375	350	75.00	70.00	
11/21/12	DJR	0.9				0.9	375	350	337.50	315.00	
11/26/12	DJR	1.4				1.4	375	350	525.00	490.00	
11/27/12	DJR	2				2	375	350	750.00	700.00	
11/28/12	DJR	0.8				0.8	375	350	300.00	280.00	
11/29/12	DJR	4.3				4.3	375	350	1,612.50	1,505.00	
12/06/12	DJR	0.2				0.2	375	350	75.00	70.00	
12/08/12	DJR	3				3	375	350	1,125.00	1,050.00	
12/08/12	DJR	0.3				0.3	375	350	112.50	105.00	
12/13/12	DJR	0.3				0.3	375	350	112.50	105.00	
12/14/12	DJR	0.2				0.2	375	350	75.00	70.00	
12/15/12	DJR	0.3				0.3	375	350	112.50	105.00	
12/17/12	DJR	0.3				0.3	375	350	112.50	105.00	
12/18/12	DJR	0.2				0.2	375	350	75.00	70.00	
12/19/12	DJR	0.7				0.7	375	350	262.50	245.00	
12/20/12	DJR	1.30				1.30	375	350	487.50	455.00	
12/21/12	DJR	0.8				0.8	375	350	300.00	280.00	
12/26/12	DJR	1				1	375	350	375.00	350.00	
12/29/12	DJR	1.4				1.4	375	350	525.00	490.00	
01/01/13	DJR	0				0	375	350	-	-	
01/02/13	DJR	1				1	375	350	375.00	350.00	
01/03/13	DJR	0.1				0.1	375	350	37.50	35.00	
01/03/13	DJR	0.2				0.2	375	350	75.00	70.00	
01/04/13	DJR	0.3				0.3	375	350	112.50	105.00	
01/06/13	DJR	0.2				0.2	375	350	75.00	70.00	
01/07/13	DJR	1.2				1.2	375	350	450.00	420.00	
01/08/13	DJR	1				1	375	350	375.00	350.00	
01/08/13	DJR	0.1				0.1	375	350	37.50	35.00	
01/10/13	DJR	0.1				0.1	375	350	37.50	35.00	
01/14/13	DJR	0.1				0.1	375	350	37.50	35.00	
01/17/13	DJR	0.60				0.60	375	350	225.00	210.00	
01/18/13	DJR	0.2				0.2	375	350	75.00	70.00	
01/18/13	DJR	5.1				5.1	375	350	1,912.50	1,785.00	
01/19/13	DJR	4.5				4.5	375	350	1,687.50	1,575.00	
01/20/13	DJR	0.2				0.2	375	350	75.00	70.00	
01/21/13	DJR	0.2				0.2	375	350	75.00	70.00	
01/21/13	DJR	0.2				0.2	375	350	75.00	70.00	
01/24/13	DJR	0.3				0.3	375	350	112.50	105.00	
01/27/13	DJR	0.2				0.2	375	350	75.00	70.00	
01/31/13	DJR	0.3				0.3	375	350	112.50	105.00	
02/01/13	DJR	0.1				0.1	375	350	37.50	35.00	
02/06/13	DJR	0.1				0.1	375	350	37.50	35.00	
02/06/13	DJR	1				1	375	350	375.00	350.00	

Fees Costs
No Objections

	02/07/13	DIR	0.6			0.6	375	350	225.00	210.00		
	02/07/13	DIR	0.4			0.4	375	350	150.00	140.00		
	02/09/13	DIR	0.20		0.20	375	350	75.00		70.00		
	02/09/13	DIR	0.1		0.1	375	350	37.50		35.00		
	02/11/13	DIR	0.6		0.6	375	350	225.00		210.00		
	02/12/13	DIR	0.5		0.5	375	350	187.50		175.00		
	02/13/13	DIR	3.6		3.6	375	350	1,350.00		1,260.00		
	02/15/13	DIR	0.2		0.2	375	350	75.00		70.00		
	02/17/13	DIR	0.2		0.2	375	350	75.00		70.00		
	02/18/13	DIR	0.2		0.2	375	350	75.00		70.00		
	02/18/13	DIR	0.3		0.3	375	350	112.50		105.00		
	02/19/13	DIR	0.2		0.2	375	350	75.00		70.00		
	02/20/13	DIR	0.4		0.4	375	350	150.00		140.00		
	02/21/13	DIR	0.2		0.2	375	350	75.00		70.00		
	02/22/13	DIR	0.1		0.1	375	350	37.50		35.00		
	02/25/13	DIR	0.1		0.1	375	350	37.50		35.00		
	03/01/13	DIR	0.1		0.1	375	350	37.50		35.00		
	03/02/13	DIR	0.20		0.20	375	350	75.00		70.00		
	03/04/13	DIR	0.3		0.3	375	350	112.50		105.00		
	03/04/13	DIR	0.2		0.2	375	350	75.00		70.00		
	03/04/13	DIR	0.3		0.3	375	350	112.50		105.00		
	03/07/13	DIR	0.1		0.1	375	350	37.50		35.00		
	03/08/13	DIR	0.4		0.4	375	350	150.00		140.00		
	03/08/13	DIR	1.4		1.4	375	350	525.00		490.00		
	03/13/13	DIR	0.5		0.5	375	350	187.50		175.00		
	03/15/13	DIR	0.5		0.5	375	350	187.50		175.00		
	03/23/13	DIR	0.2		0.2	375	350	75.00		70.00		
	03/25/13	DIR	0.5		0.5	375	350	187.50		175.00		
	04/12/13	DIR	0.5		0.5	375	350	187.50		175.00		
	05/08/13	DIR	0.4		0.4	375	350	150.00		140.00		
	05/09/13	DIR	1		1	375	350	375.00		350.00		
	06/03/13	DIR	4.5		4.5	375	350	1,687.50		1,575.00		
	06/06/13	DIR	0.10		0.10	375	350	37.50		35.00		
	06/16/13	DIR	0.2		0.2	375	350	75.00		70.00		
	06/25/13	DIR	0.6		0.6	375	350	225.00		210.00		
	06/28/13	DIR	2.3		2.3	375	350	862.50		805.00		
	06/28/13	DIR	0.2		0.2	375	350	75.00		70.00		
			71.50		0.00				\$ 26,812.50	\$ 25,025.00		
					0.00							
	TOTAL		98.98		0.00	98.98			\$ 37,003.42	\$ 34,248.17		

Judy Miller

From: Dean Rosenbach <djr1@bellsouth.net>
Sent: Saturday, December 15, 2012 8:36 AM
To: Judy Miller
Subject: RE: Safranek - Letter to Dean Rosenbach, Esq.

Regarding continued use of katz firm; I believe the judge's direction was largely aimed at the j. brown case, as the other one was ongoing already, the appeal, I felt it was more economical and efficient to continue as it was. I have looked at the law as my bill reflects, and the PR has the ability to bring in counsel where needed to effectively and efficiently handle a matter. Clearly on the commercial matter, I don't need help; on the estate matter and the appeal, I thought it was imperative. I think the judge told you, in light of you were the cause of their being retained, the trust would be charged those costs of administration.

From: Judy Miller [mailto:jmiller@boyesandfarina.com]
Sent: Friday, December 14, 2012 10:29 AM
To: Dean Rosenbach
Cc: John Farina; Adam C Sabocik
Subject: Safranek - Letter to Dean Rosenbach, Esq.

Please see attached letter from John Farina.

JUDY MILLER Assistant to John Farina

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